

REMARKS

This paper is a Response to the Office Action mailed August 2, 2011 issued in connection with the above-identified application. Claims 1 (in part), 17 and 18 are under consideration.

Regarding the Claim Amendments

Claim 1, has been amended to define the subject matter with greater particularity. The amendments are supported by originally filed claims 1 to 6 (see, also page 11, lines 16-24, and page 46, line 20, to page 48, line 15). Thus, the amendments do not add new matter and entry thereof is respectfully requested.

Rejections under 35 U.S.C. §102

The rejection of claims 1, 17, 18 and 20 under 35 U.S.C. §102(b) as allegedly anticipated by Chapelle *et al.* (US 5,975,903) is respectfully traversed. The grounds for rejection are set forth in the Office Action at page 3.

Claims 1, 17, 18 and 20 are not anticipated by Chapelle *et al.* In particular, Chapelle *et al.* fail to teach or suggest treatment or diagnosis of a polyglutamine disease by administering a compound having a structure of formula VI-1 or formula VI-2 as recited in amended claim 1. Accordingly, Chapelle *et al.* fail to teach each and every element of claims 1, 17, 18 and 20, and the rejection under 35 U.S.C. §102(b) must be withdrawn.

The rejection of claims 1, 17, 18 and 20 under 35 U.S.C. §102(b) as allegedly anticipated by Lundbech *et al.* (US 5,696,148) is respectfully traversed. The grounds for rejection are set forth in the Office Action at page 4.

Claims 1, 17, 18 and 20 are not anticipated by Lundbech *et al.* In particular, Lundbech *et al.* fail to teach or suggest treatment or diagnosis of a polyglutamine disease by administering a compound having a structure of formulas I-2 or III-1 as recited in amended claim 1. More specifically, in terms of the recited compounds having a structure of formula I-2, such structures are considered to be quinolones, which are distinct from the indoles of Lundbech *et al.* For example, the third ring present in the structure of formula I-2 is absent from the structure described in Lundbech *et al.*, and Lundbech *et al.* fail to teach or suggest that the R1a and R9a form a ring structure. In terms of the recited compounds having a

structure of formula III-1, such compounds are considered to be 2,3 Dihydro indoles, which are also distinct from the indoles Lundbech *et al.* Accordingly, Lundbech *et al.* fail to teach each and every element of claims 1, 17, 18 and 20, and the rejection under 35 U.S.C. §102(b) must be withdrawn.

The rejection of claims 1, 17, 18 and 20 under 35 U.S.C. §102(b) as allegedly anticipated by Jaen *et al.* (US 5,089,497) is respectfully traversed. The grounds for rejection are set forth in the Office Action at pages 4-5.

Claims 1, 17, 18 and 20 are not anticipated by Jaen *et al.* In particular, Jaen *et al.* fail to teach or suggest treatment or diagnosis of a polyglutamine disease by administering a compound having any structure as recited in amended claim 1. More specifically, for example, the Jaen *et al.* compound is required to have a carbonyl group at position "X." In contrast, the recited structure of formula III-6 does not have a carbonyl group at a position that would correspond to the Jaen *et al.* compound. Accordingly, Jaen *et al.* fail to teach each and every element of claims 1, 17, 18 and 20, and the rejection under 35 U.S.C. §102(b) must be withdrawn.

CONCLUSION


In summary, for the reasons set forth herein, Applicants maintain that the claims clearly and patentably define the invention, respectfully request that the Examiner reconsider the various grounds set forth in the Office Action, and respectfully request the allowance of the claims which are now pending.

If the Examiner would like to discuss any of the issues raised in the Office Action, Applicant's representative can be reached at (858) 509-4065.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975, Order No. 051501-0376926. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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